

### **Remarks**

Claims 1-43 are pending in the Application. Claims 38-43 have been added. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

### **The Applicable Legal Standards**

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

It is respectfully submitted that the Action does not meet these burdens.

### **The Claims Patentably Distinguish Over Blackwell**

In the Action claims 1-37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Blackwell et al. ("Blackwell"). These rejections are respectfully traversed.

For brevity the Applicants do not necessarily present all of the reasons as to why the Blackwell reference does not anticipate the claims. The Applicants reserve the right to later present additional reasons. Nevertheless, Applicants' arguments herein show that the reference

does not teach every feature and relationship of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejections. Therefore, the Blackwell reference cannot anticipate the claims. Hence, Applicants' claims patentably distinguish over the applied reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejections should be withdrawn.

**Claim 1**

Blackwell does not teach the recited features and relationships. For example, Blackwell does not teach a computer in operative connection with an automated banking machine (which is operative to carry out at least one transaction function) and a camera, wherein the computer is operative to include image data corresponding to camera signals in a data store responsive to the machine carrying out at least one transaction function. That is, Blackwell does not teach that a computer is operative to include image data in a data store responsive to an automated banking machine carrying out at least one transaction function. Where does Blackwell teach storing image data in response to the operation of a transaction function device of an automated banking machine?

In Blackwell an image is captured and stored in response to the banker, e.g., the banker clicking on a mouse (col. 13, lines 43-55; Figure 6B; col. 15, lines 27-34; col. 12, lines 8-11), not in response to an automated banking machine carrying out at least one transaction function. That is, in Blackwell an image is captured and stored in response to a person. Where does Blackwell teach including image data in a data store (in the manner recited) in response to a machine, especially an automated banking machine? The Action relies on Blackwell at col. 5, lines 48-51

as allegedly teaching the recited features and relationships. However, Blackwell at the cited section merely indicates that "remote terminals are interconnected for communication with each other and with a network server (not shown) via a local area network." Thus, the relied upon section of Blackwell is not related to including image data in a data store responsive to an automated banking machine carrying out at least one transaction function. It follows that Blackwell does not teach the recited features and relationships.

Applicants respectfully submit that Blackwell does not disclose each and every element and relationship of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. The rejection of claim 1 is based on the Office's alleged teachings of Blackwell, not factual showings of what Blackwell actually teaches. Therefore, Blackwell cannot anticipate claim 1.

Again, Applicants have not necessarily presented all of the reasons as to why the Blackwell reference does not anticipate claim 1. Nevertheless, Applicants' arguments have shown that the reference does not teach every feature and relationship of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Thus, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection should be withdrawn.

### The Dependent Claims

Each of the dependent claims depends directly or indirectly from independent claim 1. The independent claim 1 has been shown to be clearly allowable. Thus, it is asserted that the dependent claims are allowable on the same basis.

Furthermore, each of the dependent claims additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. Blackwell does not teach or suggest the features and relationships that are specifically recited in the dependent claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships.

For example, with regard to claim 2, Blackwell does not teach that a computer is operative to include image data in a data store responsive to an automated banking machine operating to provide cash. As previously discussed with regard to claim 1, Blackwell does not teach including image data in a data store (in the manner recited) in response to a machine, especially an automated banking machine. It follows that Blackwell cannot teach including image data in a data store responsive to an automated banking machine operating to provide cash.

The Action relies on Blackwell at col. 1, lines 37-65 and col. 8, lines 30-50 as allegedly teaching the recited features and relationships of claim 2. However, Blackwell at the cited col. 8, lines 30-50 relates to initializing a remote terminal, which is not related to the recited features and relationships of claim 2. Blackwell at the cited col. 1, lines 37-65 actually teaches that an ATM does not need to use image data to provide cash (col. 1, lines 42-53). Therefore, where does Blackwell associate image data storage with an ATM, especially an ATM operating to provide cash? It follows that Blackwell cannot teach the recited feature of including image data in a data store responsive to an automated banking machine operating to provide cash. Thus, Blackwell cannot anticipate claim 2.

With regard to claim 3, Blackwell does not teach that a computer is operative to include image data in a data store when an amount of cash provided by the machine is at least a predetermined amount. The Action relies on Blackwell at col. 1, lines 20-55 as allegedly teaching the recited features and relationships of claim 3. However, Blackwell at the cited section is not related to including image data in a data store with regard to an amount of cash provided by the machine, especially when the amount of cash provided is at least a predetermined amount. Nor does Blackwell teach the recited features and relationships of claim 3. Nor can Blackwell anticipate claim 3.

With regard to claim 4, Blackwell does not teach an automated banking machine including a plurality of transaction function devices, and that a computer is operative to include image data in a data store responsive to operation of each of a plurality of transaction function devices during a transaction. Where does Blackwell teach including image data in a data store responsive to operation of even one transaction function device? As previously discussed with regard to claim 1, Blackwell relies on a person, not in response to a machine carrying out at least one transaction function. It follows that Blackwell cannot teach including image data in a data store responsive to operation of each of a plurality of transaction function devices during a transaction. Thus, Blackwell cannot anticipate claim 4.

The Action relies on Blackwell at col. 10, lines 55-67 as allegedly teaching the recited features and relationships of claim 4. However, Blackwell at the cited section relates to commands initiated by a person (banker). Thus, the relied upon section of Blackwell is not related to including image data in a data store responsive to operation of each of a plurality of

transaction function devices in an automated banking machine during a transaction. Again, Blackwell cannot anticipate claim 4.

With regard to claim 5, Blackwell does not teach (at least) that a computer is operative to sense lack of usable video from a first camera. The Action relies on Blackwell at col. 6, lines 50-65 as allegedly teaching the recited features and relationships of claim 5. However, Blackwell at the cited section relates to a camera (54) for capturing a person within a remote terminal, and a camera (56) for capturing the interior of the remote terminal. Thus, the relied upon section of Blackwell does not teach or suggest sensing lack of usable video from a camera. Blackwell teaches nothing about an instruction sequence as specifically recited, which in response to lack of usable video from one camera causes images to be captured from another camera. Thus, Blackwell cannot anticipate claim 5. Again, Applicants have not necessarily presented all of the reasons as to why Blackwell does not anticipate claim 5.

With regard to claim 8, Blackwell does not teach that a computer is operative to include in a data store, image data corresponding to camera signals of a service area of an automated banking machine. Blackwell has a camera (56) for capturing the interior of a remote booth-like terminal. However, there is no teaching in Blackwell that image data corresponding to the camera (56) is stored in a data store. Blackwell also does not teach capturing images from an area in an automated banking machine in which activities to service and repair the machine are conducted. Blackwell does not anticipate claim 8.

With regard to claim 14, Blackwell does not teach determining a time period during which a data store is expected to continue to accept additional data. The Action relies on

Blackwell at col. 10, lines 5-15 as allegedly teaching the recited features and relationships of claim 14. However, Blackwell at the cited section relates to preparing remote terminal identifier data and the telephone number of the remote terminal for later use in the event that connection between the customer and banker is broken and needs to be reestablished. The relied upon section of Blackwell is not related to a time period, especially a time period during which a data store is expected to continue to accept additional data. Thus, Blackwell does not anticipate claim 14.

For a further example, with regard to claim 23, Blackwell does not teach determining if an amount of image data in a data store is at a level, and a computer being operative to transfer data through a network to a remote data store, responsive to the amount being as great as the level. The Action relies on Blackwell at col. 5, line 25 to col. 10, line 15 as allegedly teaching the recited features and relationships of claim 23. However, the Action is silent as to where the lengthy cited section of Blackwell actually teaches the recited features and relationships relating to an amount of image data in a data store being at a level, a computer being operative to transfer data through a network, and a remote data store. Nor does Blackwell teach the recited features and relationships. Nor does Blackwell anticipate claim 23.

**Fees For Additional Claims**

Please charge the fees associated with the submission of six (6) additional claims in excess of twenty claims and any other fee due to deposit account 09-0428.

Versions With Markings To Show Changes Made

In the Title

[AUTOMATED BANKING MACHINE TRANSACTION RECORD SYSTEM]

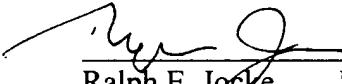
REMOTE VIEWING OF ATM TRANSACTION RECORDS

**Conclusion**

Each of Applicants' pending claims specifically recite features and relationships that are not disclosed in the applied prior art. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,

  
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